

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVID WEIDERT,
Plaintiff,

v.

GARY GROUNDS,
Defendant.

Case No. 11-cv-00564-JST

**ORDER RE JOINT CASE
MANAGEMENT STATEMENT**

Re: ECF No. 14

The Court has received the parties' joint case management statement, filed on June 23, 2015. ECF No. 14. The parties agree that there is no longer a need to stay this case pending the Ninth Circuit's decision in Burnight in light of the dismissal of that appeal. See ECF No. 12 at 5; Burnight v. Swarthout, No. 11-16062 (9th Cir. Apr. 30, 2015) (order dismissing appeal as moot). They propose, however, that the Court should stay the case pending the Ninth Circuit's decision in Gilman v. Brown, Nos. 14-15613 and 14-15680, which is likely to address the ex post facto claim raised by Weidert. The Ninth Circuit heard oral argument in Gilman on June 15, 2015.

The Court finds that a stay is appropriate because the length of the stay is not indefinite and because the stay will decrease the likelihood of duplicative or unnecessary proceedings and promote uniformity in decisions by district courts within the circuit. See Yong v. I.N.S., 208 F.3d 1116, 1119 (9th Cir. 2000). This action is therefore stayed pending a decision by the Ninth Circuit in Gilman. The file shall remain administratively closed for the duration of the stay. Pursuant to the parties' proposal, Respondent shall file a supplemental answer to the petition within thirty days of the decision in Gilman. Petitioner may file a traverse within thirty days of service of the answer.

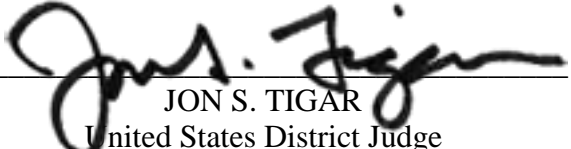
The case management conference currently scheduled for July 8, 2015, is continued to April 6, 2016. A joint case management statement shall be filed by March 23, 2016.

1 It is further ordered that Marion Spearman, the current warden of the Correctional Training
2 Facility, where Weidert is incarcerated, shall be substituted as Respondent. See Fed. R. Civ. P.
3 25(d); ECF No. 14 at 1 n.1.

4 Any party may move the Court to continue or advance the April 6, 2016 case management
5 conference if circumstances warrant.

6 IT IS SO ORDERED.

7 Dated: June 28, 2015

8
9 
10 JON S. TIGAR
United States District Judge

United States District Court
Northern District of California